IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.769 OF 1995
IN
SUMMARY SUIT NO.722 OF 1995

Canara Bank ...Plaintiffs

vs.

Smt.Prabha Bareja & Anr. ...Defendants

Mr.P.S.Kulkarni for the Plaintiffs

CORAM: A.S.OKA,J.
DATE : OCTOBER 4,2007

P.C.:

1. Heard learned counsel for the plaintiffs. On the last date i.e. 29th September 2007, time was granted to the plaintiffs to verify whether the defendants have repaid the amount. Till today the learned counsel for the plaintiffs is unable to obtain any instructions.

2. In the summary suit of the year 1995, the summons for Judgment has come up on board in the year 2007. Delay is as a result of failure of the plaintiffs to take appropriate steps in the matter. The plaintiffs made no efforts to ensure that this summons for Judgment is listed on the cause list. On the last date a statement was made by the learned counsel for the defendants that certain amount has been paid to the plaintiffs.

3. Considering the fact that the suit is of the year 1995 and considering the inaction on the part of the plaintiffs, this is a fit case for granting unconditional leave to defend the suit to the defendants.

4. Accordingly, following order is passed :

. The defendants are granted unconditional leave to defend the suit. The suit shall be transferred to commercial causes. The written statement shall be filed within a period of eight weeks from today. The Summons for Judgment is disposed of accordingly.

JUDGE